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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 15, 2005

Date of Meeting: October 18, 2004

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m. on Monday, October 18, 2004, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Michael D. Letcher	Deputy City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Karen Thoreson	Assistant City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Ed Nelson, Bethel Baptist Church, after which the pledge of allegiance was led by Bob Koehler's fifth grade students from Fruchtendler Elementary School.

### **Presentations**

- a. Mayor Walkup proclaimed October 18, 2004 to be Lou Criger Day.
- b. Mayor Walkup proclaimed the week of October 24, 2004 to be Arizona Teen Driving Safety Awareness Week.
- c. Council Member Dunbar made a presentation regarding the Five-Neighborhood Crime Prevention Block Party held in Ward 3.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 580, dated October 18, 2004, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member West invited all senior women to attend a "Positive Aging Conference" sponsored by Ward 2, the Pima County-Tucson Women's Commission, and the Catalina United Methodist Church to be held Friday, October 29, 2004 from 8:30 a.m. to 1:30 p.m. Council Member West also introduced the Deputy Director of Environmental Services, Karen Masbruch, who presented Ward 2 and the Mayor's Office with the Environmental Protection Agency's National Phoenix Award. Tucson received this award for the remediation program at the Rio Nuevo North Landfill site and was one of ten awards presented in 2004.
- b. Mayor Walkup issued a challenge to City residents to go out and see the film "Spin", directed by Jamie Redford and filmed in Tucson. He challenged everyone to see how many locations they could identify.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 581, dated October 18, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

Michael D. Letcher, Deputy City Manager, reported:

The Development Services Department had been selected to be a major presenter at the 2005 Transforming Local Governments Conference. Their presentation would be entitled, "A Journey from Chaos to Consistency: A Technology Success Story".

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 570, dated October 18, 2004, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

### b. New Licenses

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| 1. | Wingstop<br>3122 N. Campbell Avenue, Suite 130<br>Applicant: Sheryl A. Hill<br>City 068-04, Ward 3<br>Series 12<br>Action must be taken by: October 31, 2004 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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### Person Transfers

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|----|--|---|
| 2. | La Fuente Restaurant<br>1749 N. Oracle Road<br>Applicant: Carlos D. Portillo<br>City 060-04, Ward 3<br>Series 6<br>Action must be taken by: October 21, 2004 | Staff Recommendation<br><br>Police: No Recommendation<br>DSD: In Compliance<br>Revenue: In Compliance |
| 3. | IBT's<br>616 N. 4th Avenue<br>Applicant: Michael C. Kramkowski<br>City 064-04, Ward 6<br>Series 6<br>Action must be taken by: October 28, 2004               | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance     |

Kathleen S. Detrick, City Clerk, announced there was one request for a new license and two requests for person transfers. She stated for application 5b2, La Fuente Restaurant, the Police Department had submitted a letter of no recommendation.

Mayor Walkup asked the Council's pleasure.

It was moved by Council Member Leal, duly seconded, and passed by a voice vote of 7 to 0, that liquor license applications 5b1 through 5b3 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

## **6. CONSENT AGENDA ITEMS A THROUGH G**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S03-036) OLSEN CONDOMINIUMS SUBDIVISION, 18 CONDOMINIUM UNITS, COMMON ELEMENTS “A” AND “B”, AND LIMITED COMMON ELEMENTS
  - 1. Report from City Manager OCT18-04-572 W3
  - 2. Resolution No. 19955 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-036 of a final plat for the Olsen Condominiums Subdivision, 18 Condominium Units, Common Elements “A” & “B” and Limited Common Elements; and declaring an emergency.
- B. FINAL PLAT: (S03-036) OLSEN CONDOMINIUMS SUBDIVISION, 18 CONDOMINIUM UNITS, COMMON ELEMENTS “A” AND “B”, AND LIMITED COMMON ELEMENTS
  - 1. Report from City Manager OCT18-04-573 W3
  - 2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- C. REAL PROPERTY: VACATION AND SALE OF SURPLUS PROPERTY ON EAST 18TH STREET AT CAMPBELL AVENUE TO SP HAZEN, LLC
  - 1. Report from City Manager OCT18-04-574 W5
  - 2. Ordinance No. 10061 relating to real property; vacating and declaring certain city-owned property located on East 18<sup>th</sup> Street at Campbell Avenue to be surplus property, and authorizing the sale thereof to SP Hazen, LLC; and declaring an emergency.
- D. ASSURANCE AGREEMENT: (S03-032) CENTENNIAL TERRACES SUBDIVISION, LOTS 1 TO 17 AND COMMON AREAS “A”, “B”, “C” AND “D”
  - 1. Report from City Manager OCT18-04-577 W2

2. Resolution No. 19956 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-32 of a final plat for the Centennial Terraces Subdivision, Lots 1 to 17 and Common Areas “A” – “D”; and declaring an emergency.
- E. FINAL PLAT: (S03-032) CENTENNIAL TERRACES SUBDIVISION, LOTS 1 TO 17 AND COMMON AREAS “A”, “B”, “C” AND “D”
1. Report from City Manager OCT18-04-578 W2
  2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- F. TUCSON CODE: AMENDING (CHAPTER 10A) RELATING TO FILLING VACANCIES ON BOARDS, COMMITTEES AND COMMISSIONS
1. Report from City Manager OCT18-04-582 CITY WIDE
  2. Ordinance No. 10064 relating to Boards and Commissions; amending Section 10A–134, Tucson Code, relating to filling vacancies on Boards and Commissions; and declaring an emergency
- G. FINANCE: CONTINGENCY FUND TRANSFER FOR THE POSITIVE AGING FOR WOMEN CONFERENCE
1. Report from City Manager OCT18-04-583 W2
  2. Resolution No. 19957 relating to finance; approving and authorizing the transfer of five hundred dollars (\$500.00) from the Contingency Fund to a budget set up for the purpose of hosting a “Positive Aging” conference; and declaring an emergency.  
This was a request by Council Member West. Allocation of funds is as follows: Council Member West - \$500.00

Mayor Walkup recognized Vice Mayor Ronstadt.

It was moved by Vice Mayor Ronstadt, duly seconded, that Consent Agenda Items A through G be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Consent Agenda Items A through G were declared passed and adopted by a roll call vote of 7 to 0.

## **7. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Michael Toney made a presentation on perceived violations by the University of Arizona regarding the Science Center.
- b. Robert Reus requested the delay to permanently fill the City Manager position until his initiative on reorganizing government could be put before the voters.

## **8. PUBLIC HEARING: BINGO LICENSE – CONTINENTAL WEST 1 AND 2, 3740 N. ROMERO ROAD, CITY NUMBER 195**

Mayor Walkup announced City Manager's communication number 571, dated October 18, 2004, would be received into and made a part of the record. He asked if the applicant or a representative was present. They were not.

Mayor Walkup announced this was the time and place legally advertised for a public hearing on a request for a bingo license at Continental West 1 and 2 located at 3740 North Romero Road. He said the applicant was Sandra Hunt. He stated speakers would be limited to five-minute presentations and the public hearing was scheduled to last for no more than one hour. He said he had no cards and the public hearing was open to anyone who would like to speak on the issue. There was no one.

Mayor Walkup recognized Vice Mayor Ronstadt.

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup recognized Council Member Dunbar.

It was moved by Council Member Dunbar, duly seconded, and carried by a voice vote of 7 to 0 to forward the bingo license application to the State Tax Commission with a recommendation for approval.

**9. MAGISTRATES: APPOINTMENT OF A LIMITED SPECIAL CITY MAGISTRATE**

Mayor Walkup announced City Manager's communication number 584, dated October 18, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10065 by number and title only.

Ordinance 10065 relating to City Magistrates; appointing \_\_\_\_\_ Limited Special City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

Mayor Walkup recognized Council Member Scott.

Council Member Scott stated the Council always had a Solomon's choice when it came to these kinds of things. Before them today were three extremely highly qualified people applying for the position. The Mayor and Council were regularly confronted by decisions and the thoughts contributed to the decision making process were taken seriously.

It was moved by Council Member Scott, duly seconded, to appoint Mitchell Alan Kagen as Limited Special City Magistrate of the City of Tucson.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Ordinance 10065 passed by a roll call vote of 7 to 0 appointing Mitchell Alan Kagen as a Limited Special City Magistrate.

Council Member Scott wanted to mention one of the factors that was considered by the body. She thought it was important to appoint someone who lived within the City limits and was bilingual. The Council felt his bilingual skills were an asset and this would eliminate the need for an interpreter and would be cost effective to the Court. She congratulated Mr. Kagen and his family.

**10. ZONING: (C9-04-12) 3MD LAND AND BUILDING – GRANT ROAD, R-2/C-1 TO C-1, CITY MANAGER'S REPORT**

Mayor Walkup announced City Manager's communication number 575, dated October 18, 2004, would be received into and made a part of the record. He said this was a request to rezone property located on the southeast corner of Grant Road and Margaret

Avenue. The preliminary development plan was for a single-story, medical office. He said the Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant was present and if he was agreeable to the proposed conditions.

William Podolsky, the applicant, stated he was agreeable to the proposed requirements.

Mayor Walkup recognized Vice Mayor Ronstadt.

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0 to approve the request for rezoning as recommended by the Zoning Examiner.

**11. ZONING: (C9-04-16) RGA PROPERTIES – 22<sup>ND</sup> STREET C-1 TO C-2, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager’s communication number 576, dated October 18, 2004, would be received into and made a part of the record. He said this was a request to rezone property located on the northwest corner of Twenty Second Street and Sherwood Village Drive. The preliminary development plan was to use the existing vacant building and site improvements for various commercial uses. He said the Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant was present and if he was agreeable to the proposed conditions.

Jim Portner, of Projects International, the applicant, stated they agreed with the Zoning Examiner’s report and recommendation and had no objection to any of the conditions as stated.

Mayor Walkup recognized Council Member West.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0 to approve the request for rezoning as recommended by the Zoning Examiner.

**12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced City Manager’s communication number 579, dated October 18, 2004, would be received into and made a part of the record. He asked if there were any personal appointments by any member of the Council.

Council Member Leal announced his personal appointment of Ernesto Quiroz to the Sign Code Committee. He thought his staff had faxed the information, but they had not and it would be sent this week.



**13. ADJOURNMENT:** 6:34 p.m.

Mayor Walkup announced the Council would stand adjourned until the next regularly scheduled meeting to be held on Monday, October 25, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 18<sup>th</sup> day of October 2004, and do hereby certify that it was an accurate transcription.

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DEPUTY CITY CLERK

KSD:cf/cs